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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 KENNETH E. WILLIAMS,

14 Defendant.  
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Case No. 6:21po-00078-HBK

ORDER DISMISSING ACTION

18 Pending before the Court is the parties Joint Motion to Dismiss filed September 17, 2021.  
19 (Doc. No. 21). Mr. Kenneth E. Williams was issued three notices of violations (E-1168019, E-  
20 1168020 and E-1168021) stemming from actions that allegedly occurred in November 2020 while  
21 in Yosemite National Park. (Doc. Nos. 1, 3 and 4). On April 6, 2021, Mr. Williams, represented  
22 by counsel, entered a plea of not guilty to the notices of violation. (Doc. No. 15). On September  
23 2, 2021, the Court scheduled this matter for a status conference to be held on October 27, 2021.  
24 (Doc. 20). No further proceedings have been held in this matter.

25 The parties seek dismissal of this action due to the passing of Mr. Williams on September  
26 16, 2021 in Turlock, California. (Doc. No. 21). The parties provide evidence of Mr. William's  
27 death. (Doc. Nos. 21, 21-1).

28 It is well-settled common law that actions founded upon penal statutes do not survive the

1 death of the alleged wrongdoer. *Schreiber v. Sharpless*, 110 U.S. 76, 80, 35 S.Ct. 423, 424, 28  
2 L.Ed. 65 (1884). The Court expresses its condolences to the family of Mr. Kenneth E. Williams.

3 Accordingly, it is **ORDERED**:

4 1. The parties Joint Motion to Dismiss (Doc. No. 21) is GRANTED.

5 2. Notice of Violation bearing numbers E-1168019, E-1168020 and E-1168021 issued  
6 to Kenneth E. Williams are DISMISSED with prejudice and this case is DISMISSED.

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9 Dated: September 20, 2021

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE